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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,207	03/19/2001	Brian K. Pepin	MS158541.1	9615

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EXAMINER

FOWLKES, ANDRE R

ART UNIT PAPER NUMBER

2192

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/812,207		PEPIN ET AL.	
	Examiner		Art Unit	
	Andre R. Fowlkes		2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the RCE filed 2/28/05.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarkar, U.S. Patent No. 6,012,067.

As per claim 1, Sarkar discloses an **application development system**, (col. 5:11-14, "it is a primary objective of the present invention to provide a mechanism for representing and manipulating ... objects (i.e. applications)"), **comprising:**

- **a development tool that facilitates application development** (col. 5:11-14, "it is a primary objective of the present invention to provide a mechanism (i.e. development tool) for representing and manipulating ... objects (i.e. applications)"),

- **a software component** (col. 5:11-14, "it is a primary objective of the present invention to provide a mechanism for representing and manipulating ... objects (i.e. a software component)"),

- **a type descriptor that accesses metadata associated with the software component**, (col. 11 lines 54-63, "Component schema and packages talk to each other through object request brokers (i.e. type descriptor). A query with table names, attribute names, method names from various component schema is resolved ... This information stored in the data dictionary is often called the meta data"), **the type descriptor dynamically provides information associated with an instance of the software component to the development tool**, (col. 5:58-6:8, "In yet another embodiment, SQL queries uniformly manipulate disparate relational data and other complex web objects. So far SQL queries are limited to a specific relational database with ... the meta data repository). Present invention uses URLs as locators for remote database objects and SQL queries (i.e. the type descriptor) uniformly manipulate (i.e. dynamically provides information and facilitates application development) ... attributes and (instances of) objects... Components of the SQL query are extracted during this phase for sending to remote databases pointed to by URLs for further preparations. This preparation and initialization phase at multiple sites completes before the actual collaborative multi-level execution takes place").

As per claims 2-7, this is a system version of the claimed method discussed below in claims 11 and 19, wherein all claimed limitations have also been addressed and/or cited as set forth below. For example, see Sarkar's method and apparatus for storing and manipulating objects (col. 5:8-11:63).

As per claims 8-10, this is a system version of the claimed method discussed below in claim 19, wherein all claimed limitations have also been addressed and/or cited as set forth below. For example, see Sarkar's method and apparatus for storing and manipulating objects (col. 5:8-11:63).

As per claim 11, the rejection of claim 8 is incorporated and further, Sarkar discloses that component schema stored as **metadata comprises at least one of types, members, attributes, properties and events** (col. 11 lines 54-63, "Component schema and packages talk to each other through object request brokers. A query with table names, attribute names, method names from various component schema is resolved by successive preparations and collaborative executions at different sites over the internet. In practice, SQL query is resolved by first parsing and then executing relational operations over the data stored in tables. Parsing phase consists of recognizing table, attribute and package definitions stored in the data dictionary. This information stored in the data dictionary is often called the meta data").

As per claim 12, the rejection of claim 8 is incorporated and further, Sarkar discloses component schema and packages talking to each other through object request brokers and that **the information provided by the interface comprises at least one of types, members, attributes, properties and events** (col. 11 lines 54-63, "Component schema and packages talk to each other through object request brokers. A query with table names, attribute names, method names from various component

Art Unit: 2192

schema is resolved by successive preparations and collaborative executions at different sites over the internet. In practice, SQL query is resolved by first parsing and then executing relational operations over the data stored in tables. Parsing phase consists of recognizing table, attribute and package definitions stored in the data dictionary. This information stored in the data dictionary is often called the meta data").

As per claims 13-15, this is a system version of the claimed method discussed below in claim 19, wherein all claimed limitations have also been addressed and/or cited as set forth below. For example, see Sarkar's method and apparatus for storing and manipulating objects (col. 5:8-11:63).

As per claims 16 and 17, this is another method version of the claimed method discussed below in claim 19, wherein all claimed limitations have also been addressed and/or cited as set forth below. For example, see Sarkar's method and apparatus for storing and manipulating objects (col. 5:8-11:63).

As per claim 18, Sarkar discloses a method and apparatus (FIG. 1) for storing and manipulating objects in a plurality of relational data managers on the web, and in that Sarkar covers the steps of:

- **receiving information regarding an instance of a component** (col. 10 line 62-63, "FIG. 8 shows (the exchange of information regarding objects (i.e. components))"),

- **determining whether the instance of the component is contained by a container** (col. 5 lines 49-51, "comparison operators are definable to compare ... web objects (to determine) ... containment"),

- **determining whether any other contained component desires to modify information regarding the instance of the component** (col. 5 lines 11-14, "It is a primary objective of the present invention to provide a mechanism for representing and manipulating ... objects (i.e. instances of components)", and a determination of which component is to be modified by which other component must be made before any modification of the component is done),

- **modifying the information regarding the instance of the component** (col. 5 lines 11-14, "It is a primary objective of the present invention to provide a mechanism for representing and manipulating ... objects (i.e. instances of components)"),

- **determining whether the container implements an interface for manipulating the information regarding the instance of the component** (col. 5 lines 11-14, "It is a primary objective of the present invention to provide a mechanism (i.e. interface) for representing and manipulating ... objects (i.e. instances of components)", and a proper interface must be determined by the Sarkar invention, before manipulating the information),

- **manipulating the information regarding the instance of the component by using an interface to determine one of a design time and a runtime behavior of the component** (col. 5 lines 11-14, "It is a primary objective of the present invention to

Art Unit: 2192

provide a mechanism (i.e. interface) for representing (i.e. determining design time and run time behavior) and manipulating ... objects (i.e. instances of components)),

- **storing the manipulated information regarding the instance of the component** (col. 1 lines 8-10, "This invention relates to object (i.e. component) management ... for storing and manipulating (information regarding components)").

As per claim 19, the rejection of claim 18 is incorporated and further Sarkar discloses:

- **receiving a request from a development tool for information regarding the instance of the component** (col. 10 line 62-63, "FIG. 8 shows (the exchange of requests and information regarding objects (i.e. components))"),

- **discovering metadata associated with the instance of the component** (col. 11 lines 54-63, "Component schema and packages talk to each other through object request brokers. A query with table names, attribute names, method names from various component schema is resolved by successive preparations and collaborative executions at different sites over the internet. In practice, SQL query is resolved by first parsing and then executing relational operations over the data stored in tables. Parsing phase consists of recognizing table, attribute and package definitions stored in the data dictionary. This information stored in the data dictionary is often called the meta data"),

- **determining whether the instance of the component implements an interface** used to manipulate information regarding the instance of the component (col. 5 lines 11-14, "It is a primary objective of the present invention to provide a mechanism

Art Unit: 2192

(i.e. interface) for representing and manipulating ... objects (i.e. instances of components)", and prior to manipulating the component's information, a proper interface must first be determined),

- invoking the interface of instance of the component, the interface manipulating information regarding the instance of the component (col. 5 lines 11-14, "It is a primary objective of the present invention to provide a mechanism (i.e. interface) for representing and manipulating ... objects (i.e. instances of components)"),

- manipulating information regarding the instance of the component; (col. 5 lines 11-14, "It is a primary objective of the present invention to provide a mechanism for representing and manipulating ... objects (i.e. instances of components)",

- receiving information regarding the instance of the component from the interface (col. 5 lines 11-14, "It is a primary objective of the present invention to provide a mechanism (i.e. interface) for representing and manipulating ... objects (i.e. instances of components), and col. 10 line 62-63, "FIG. 8 shows (the exchange of information regarding the instance of the components)"),

- reporting the information regarding the instance of the component to the development tool (col. 5 lines 11-14, "It is a primary objective of the present invention to provide a mechanism for representing and manipulating ... objects (i.e. instances of components), and col. 10 line 62-63, "FIG. 8 shows (the exchange of information regarding the instance of the components)").

As per claim 20, this is a product version of the claimed method discussed in claim 19, above, wherein all claimed limitations have also been addressed and such a product is deemed to be inherent in the Sarkar invention, otherwise it would be inoperative.

As per claims 21 and 22, this is a system version of the claimed method discussed above in claim 19, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see Sarkar's method and apparatus for storing and manipulating objects (col. 5:8-11:63).

Response to Arguments

4. Applicants arguments have been considered but they are not persuasive.

In the remarks, the applicant has argued substantially that:

- 1) It was agreed during a telephonic interview on 2/7/05 that Sarkar is directed to an invention that is not analogous to the applicant's disclosed invention, at p. 7:2-5.

Examiner's response:

- 1) During the informal telephonic interview 2/7/05, applicants' representative described aspects of applicant's invention and mentioned several examples of possible claim amendments intended to distinguish applicant's invention from the Sarkar

Art Unit: 2192

reference. The examiner's sole response was that any of the possible claim amendments mentioned would require further search and/or consideration. The examiner did not mention, suggest, or provide any other information indicating that Sarkar is directed to an invention that is not analogous to the applicant's disclosed invention.

In the remarks, the applicant has argued substantially that:

2) During a telephonic interview on 2/7/05, the examiner concluded that the claim language set forth in the parent case would distinguish from the cited reference if further clarified to emphasize aspects of the applicants' invention, at p. 7:5-10.

Examiner's response:

2) During the informal telephonic interview 2/7/05, applicant's representative described aspects of applicant's invention and mentioned several examples of possible claim amendments intended to distinguish applicant's invention from the Sarkar reference. The examiner's sole response was that in order to determine if the proposed claims would distinguish the application from the applied art, any of the possible claim amendments mentioned would require further search and/or consideration. The examiner did not conclude, mention, suggest, or provide any other information indicating that the claim language set forth in the parent case would distinguish from the cited reference if further clarified to emphasize aspects of the applicant's invention.

Art Unit: 2192

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF

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5/31/05